

Application S/N 10/701,749
Amendment dated: March 30, 2006
Response to Office Action dated: December 20, 2005

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REMARKS/ARGUMENTS

Claims 1-10, 12-22 and 24-36 remain pending in the application, as claims 11 and 23 were previously canceled without prejudice. In the Office Action, the amendment of September 6, 2005 listed the wrong serial number on page 1. Applicants apologize for the error and note that the present amendment lists the correct serial number of 10/701,749. Additionally, claim 28 was objected to in view of an informality. This claim has been amended to overcome the objection.

Claims 1-3, 13, 15-17, 26, 29, 33 and 36 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0169008 to Hiben, et al. (Hiben) in view of U.S. Patent Application Publication No. 2004/0102219 to Bunton, et al. (Bunton). Further, claims 4, 5, 18, 19, 24 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,427,072 to Reichelt (Reichelt). Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent Application Publication No. 2004/0121767 to Simpson, et al. (Simpson).

Further, claims 7, 12, 21, 25 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,385,469 to Alperovich, et al. (Alperovich), and claims 9, 10, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Reichelt and further in view of U.S. Patent Application Publication No. 2002/0086718 to Bigwood, et al. (Bigwood). Claims 14, 27, 28, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of well-

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known prior art under MPEP 2144.03, which the Examiner contends is supported by U.S. Patent No. 5,705,980 to Shapiro (Shapiro).

A brief summary of the Hiben and Bunton references may be helpful here. Hiben discloses a wireless multi-carrier communication system having designated control sub-channels that enable a receiving device to operate in a low power decoding mode (see Abstract). In particular, control or payload information may be transmitted to the receiving device, and the receiving device operates in the low-power decoding mode to decode this information on the control sub-channels (see Abstract). If the information cannot fit within the control sub-channels, the information is transmitted to the receiving device over a payload sub-channel (see Abstract). The receiving device operates in a higher power decoding mode to decode the payload sub-channel (see Abstract). The criteria for determining whether to decode the sub-channels in a low or high power decoding mode is based on whether information is transmitted over a control sub-channel or a payload sub-channel.

Bunton describes a communications system that includes a base station at the surface and a repeater station and a mobile station below the surface in which bi-directional communications are established between the mobile stations and the base station (see Abstract). The base station can remotely suspend transmissions from the mobile stations where power consumption must be minimized or background co-channel and adjacent-channel interference must be controlled (see paragraph 0137). These situations may occur during search and rescue operations for trapped individuals (see paragraph 0137).

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Independent claims 1, 15, 29 and 36 have been amended to clarify that adjusting at least one operating mode of the device so as to enter a low power operating mode in response to receiving the command is performed without affecting the voice transmission capabilities of the device during the low power operating mode. Support for the amendments can be found on page 6, lines 13-20; page 15, lines 1-22; page 21, lines 1-6; page 30, lines 12-13; and page 31, lines 16-22 (each citation shows that transmission capabilities of the unit that has entered a low power mode remain available during the low power mode). No new matter has been added in view of these amendments.

Hiben does not show, suggest or contemplate such a concept. Moreover, Bunton shows the concept of remotely disabling the transmission capabilities of the underground mobile stations (see paragraph 0137). This process is performed to shut down the transmission capabilities of the mobile stations that belong to trapped miners. In particular, the ability of the mobile stations belonging to the individuals being rescued to transmit signals may be impinged to save battery life or to reduce channel interference. Such a concept directly contradicts the present invention, however, as the basic purpose of the present invention is to ensure that emergency personnel (the rescuers) are permitted to communicate (both transmit and receive) for longer periods of time by disabling elements of their communications devices that are not necessary for operation of the devices.

In view of the above, Applicants believe that independent claims 1, 15, 29 and 36 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are now patentable, in view of both their dependence from these claims and their independent patentability. Reconsideration and withdrawal

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of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

By:



Larry G. Brown
Attorney of Record
Reg. No.: 45,834

Telephone: (954) 723-4295
Fax No.: (954) 723-3871